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SAURIN, WILLIAM

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HONORABLE WILLIAM...

PLACE:

DUBLIN

DATE:

1829

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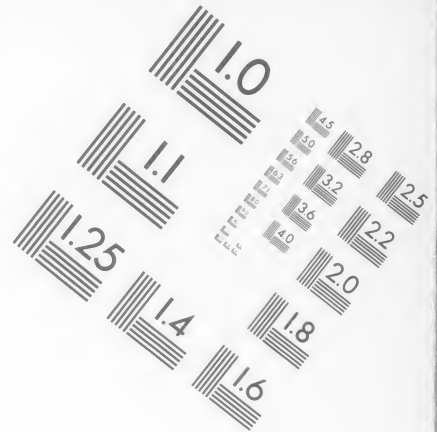
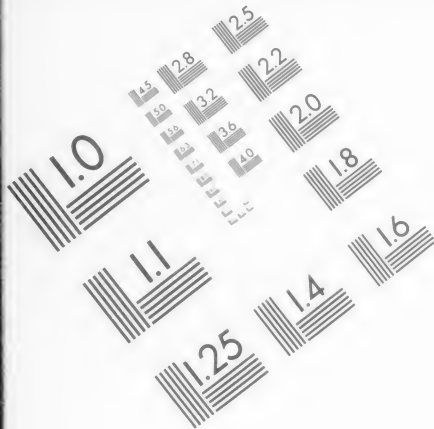


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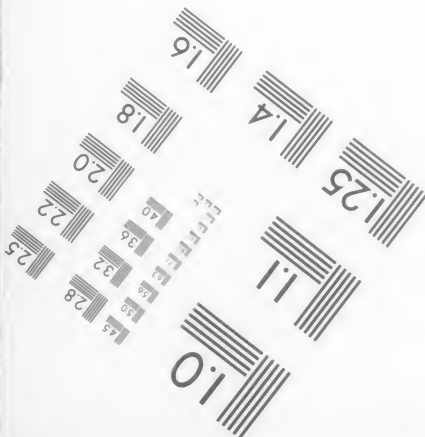
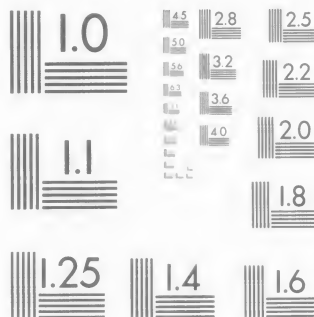
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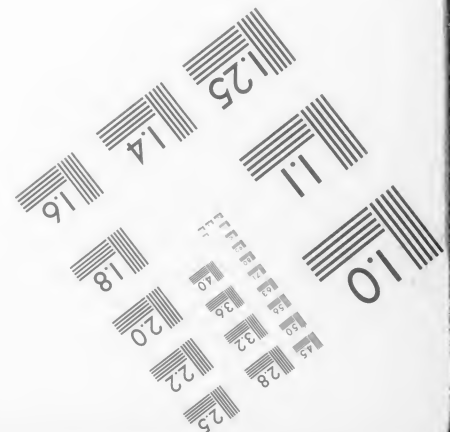
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No. 9.

SPEECH

OF THE

RIGHT HONORABLE WILLIAM SAURIN

DELIVERED AT

THE ROTUNDA,

IN THE CITY OF DUBLIN,

ON THURSDAY, THE 19TH FEBRUARY, 1829;

BEING THE

SECOND GENERAL MEETING

OF THE

BRUNSWICK

CONSTITUTIONAL CLUB OF IRELAND.

DUBLIN:

PRINTED BY ORDER OF THE CLUB.

GEORGE WALKER.

1829.

SPEECH

OF THE

RIGHT HONORABLE WILLIAM SAURIN,

&c. &c. &c.

MY LORD AND GENTLEMEN,

I can make no return for the warm expression of regard which I have experienced from you. I can only assure you, that if the course which I have pursued through life has deserved your approbation, I shall persevere in it to the end. I shall abstain from all expressions calculated to increase the warmth of the feelings which the present occasion has so naturally excited. I cannot however but honour and respect the warmth of your feelings. It arises from the veneration and the attachment which you entertain for the happy system of Laws and Government under which these countries have so long, and so pre-eminently flourished. I cordially concur in all the resolutions which have this day been adopted, and in none more than that which expresses the feelings of astonishment and dismay with which we learned the proposition that has been submitted to Parliament by the Ministers of the Crown. I can pay no regard to any qualification that may be intended to accompany the measure propounded, the measure itself being, in my judgment, a revolution in the Government—to which, upon no terms whatever,

can I be reconciled ;—a measure, with respect to which, I was under the fullest impression that the Noble and Illustrious Duke at the head of his Majesty's Government, and my Right Honourable and much respected and regarded friend, the Chief Secretary for the Home Department, entertained opinions as irrevocable as my own. And I do feel the greatest concern, that a duty which results from the long-formed opinions I have entertained upon this subject urges me to stand up in opposition to the measure. I must leave it to them to explain the reasons on which a resolution so sudden and unexpected has been formed ; but so far, I must confess, that to me they are unintelligible.

The measure now proposed of admitting our Roman Catholic fellow-subjects to the exercise of the Executive and Legislative functions of the State did not, in its origin, spring from the sentiments, much less from the privations, or the alleged wrongs of that body. It was, with its concomitant measure called Parliamentary Reform, the offspring of that spirit, and those principles of democracy and revolution, which, for the last forty years, have been assailing, and shaking to its centre, the British Constitution. They were the suggestions and the artifice used by the United Irishmen, to seduce the people of this country from their attachment to their lawful Government, and to engage them in the conspiracy then formed to subvert it. I have been attentive to this measure from its commencement, and bound by every principle of duty to examine and discover, if (I could,) whether there was any sound political principle, or any sufficient reason why we should now make a revolution in our settled

Government ; and I oppose to it the resolution which you have this day adopted, " That the measure contemplated is uncalled for by any necessity, and therefore unjustifiable upon any sound political principle which has hitherto directed the policy of civilized nations"—in which resolution I do most fully concur.

It is an axiom in political science, which the wisest and ablest men have deduced from the experience of ages, that when a Government is established and settled—when men's minds are reconciled to it—when it has become an object of veneration and attachment, it ought not to undergo alteration in the minutest particular, except on the ground of absolute necessity.—That necessity should be, that the Government utterly fails to fulfil the object of its institution. Such, and so great is the danger of unsettling men's minds on the subject of the Government under which they have been accustomed to live, and so difficult the task of forming or framing another, in which men will agree.

I oppose this measure as a revolutionary measure—a measure flowing out of the spirit and principles of democracy. There is, and has been, a party in this country, having for their object the utter subversion of the British Constitution, and to establish in its place, a Constitution of Government on the basis of equality of political rights, on the model of the Government of the United States of America—a Government founded in diametrical opposition and contrast to that of Great Britain.

And here let me, for a moment, point your attention to the distinction which exists between the two Governments, for

I cannot but trace this revolutionary measure to the principles on which the Government of the United States is founded. The principle of that Constitution is equality of political rights to all people; every office in the state is open alike to every citizen; representation is there founded on universal suffrage; under that Constitution of Government, there is not, nor could there be a National Religion, nor an Established Church. Such an institution would violate the principle of equality of political rights, the basis of that Constitution, under which all power flows from the people. Look, my Lord, to the British Constitution; by that Constitution the executive authority of the State, is vested by right hereditary, in one individual of one family, and from that office every other individual is interdicted. No rank, no services, no talents, entitle any person, to aspire to that office. The next branch of the British Constitution is the House of Peers, Legislators and Judges, by hereditary right, and in total independence of the people. The only branch of the Legislature in which the people appear to have any share, is the House of Commons; but according to the principles of our Constitution, that assembly never was a representation of the people, but a representation of the property and intelligence of the country.

It is now forty years since a conspiracy was formed in this country, under the name of United Irishmen, for the purpose of subverting the British Constitution, and establishing on its ruins, a Government, having for its foundation, the principle of equality of political rights on which that of America is based, and which is utterly in-

compatible with the principles of our Constitution. To forward the ends of that conspiracy, the two measures which have so long agitated the country, under the specious name of Parliamentary Reform, and the still more preposterous denomination of Catholic Emancipation were first adopted. Such were the engines made use of to engage the people, and the Roman Catholics, (the principal objects of the enterprise,) in the revolutionary measures then contemplated. Accordingly, you will trace the arguments used by the United Irishmen in the address to the Roman Catholics by Theobald Wolfe Tone—you will trace these in the arguments of those who have since then advocated these measures, for the purpose of supplanting the Ministry to which they were opposed.

I have been looking on for many years, and have observed the uses made of these instruments of delusion, for the purpose of exciting disaffection and discontent among the people of this country; and they have to a great degree succeeded. The Roman Catholics were told, that while living under a Constitution, the freest, and mildest in the world, and in the benefits of which they participated equally with their Protestant fellow-subjects—they were slaves and outlaws. I solemnly declare, if I did believe that the Constitution under which we live denied to the Roman Catholics of the empire the benefits and blessings of its free and happy Government—if I did not know that they enjoyed the same protection by Magna Charta, the Bill of Rights, the Habeas Corpus Act, and Trial by Jury, as I myself—if I thought the Constitution were guilty of depriving, not five millions, but one Roman Catholic, of what he was entitled to, as

the free subject of a free State, I, myself, would be the foremost to place my hand on that guilty Constitution which had done him wrong.

But this is the jargon of democracy, and the artifices of a party which took up this measure from the United Irishmen. They, in error, (as I think they were,) in seeking to establish a Constitution of Government in this country on the basis of political equality, were at least intelligible and consistent—many amongst them were honest and sincere converts to the principle of democracy. Their object was to subvert the Constitution of the land; and the measures they urged were not only consistent, but inseparable parts of the system which it was their avowed object to introduce and establish—that is to put the principle of representation on a new basis, that of universal suffrage, and to abolish the Ecclesiastical establishment, and the national religion, with the rest of our Constitution.—They told us that they hated the system of hereditary sovereignty and hereditary legislation, that they detested our Constitution, and would have in its stead that of America. In all this they were intelligible and consistent—on this subject men might have reasonably differed. I am not quarrelling with democracy; I am not assailing the Constitution of the United States. Those who wish to live within its sphere, may do so if they desire: but it is my decided and irrevocable opinion, that such a Constitution is unfitted and unsuitable to an Empire like ours, advanced in arts, wealth and luxury. The same Jacobin principles were derived from the same source. If they succeeded here, they would lead as they did in France to anarchy, while their influence continued to operate; but their day would be short, and they would terminate here, as they

did there, in the despotism of an individual. This is the view I have taken of the subject. I saw its commencement forty years ago. It began by that contest and that struggle, in which, not only these countries, but all Europe has been engaged for the last forty years—the contest between Monarchy and Democracy. In these countries—between the British Constitution and that of the United States of America.

Unfortunately for the country, and indeed for themselves, about the same period a party was systematically formed in the Irish Parliament in connexion with the British opposition to the administration of Mr. Pitt; and the two republican measures of the United Irishmen were inconsiderately adopted by that party as measures of opposition to the Government. That party was largely recruited from the profession of which I am a member, by young men more distinguished for their talents and their eloquence than for their knowledge or reflection, and who to advance themselves in their profession and in the world, ranged themselves under the standard of opposition to the Government, and misemployed their talent and perverted their eloquence in the support of these two Revolutionary Republican measures, which have, for the last forty years, disturbed the peace of the country, impeded its prosperity, and divided its people. In supporting these measures they inculcated the false doctrines which they had borrowed from the United Irishmen, the principles of democracy which that conspiracy had espoused.

I will advert shortly to the false arguments and unfounded principles on which this measure has been advocated. The Roman Catholics were told, that by the British Constitution they were denied their natural

and imprescriptable rights; that that Constitution was a base monopoly, and that their condition in the State was that of slaves and outlaws. Now, I ask, in the name of common sense if there be a syllable of truth in this? It is mere inflammatory language. Where are the rights denied to the Roman Catholic? Is he not equally with the Protestant protected in the enjoyment of those rights and privileges, for the maintenance of which civil governments were established, and which no government ever yet instituted has been so anxious to preserve as the British Constitution?

In the view which I am taking of this subject, I would call upon the Roman Catholics of Ireland to join with me in resisting this revolutionary system, which will lead to democracy, to the subversion of all religion, and to the destruction of every part of the Constitution. I would tell them that while Jacobins are inculcating on their minds, that they are deprived of their natural rights, they are advancing allegations destitute of foundation. The rights of man in a natural state, are those which secure to him the protection of his life, property, and character. But I tell him, at the same time, that he has no right to office—office does not exist in the natural state; therefore there is no natural right in any man to office. Those situations are the creation of the Civil State, for the benefit of the State at large, and not for the benefit or gratification, of those who may obtain them. When the Roman Catholic is told, you have a right to office—I ask, is it a natural or a civil right? Natural right it is not—civil right it cannot be, unless it be conferred by the law of the State. The Roman Catholics are misled—their minds are poisoned when they are told by the incendiaries who are deluding them, that

they are deprived of their rights. Civil offices and Seats in Parliament are created by the state for the public benefit. The law denies to all Protestants as well as Catholics the right to office and to seats in Parliament. The law creates and qualifies. The principles of our Constitution deny any such right. Those who have been inculcating upon Catholics, that they are deprived of their rights because they cannot fill office or seats in Parliament, tell them that which is utterly politically false.

In every state in which a Civil Government is established, the great object of the law, as far as human laws can provide, is, that those offices and places created for the public benefit and the public service, and not of the individuals by whom they are to be filled, should, if possible, be filled by the persons in the state, most fitted and best qualified to fill them. And such is the provision, and such the policy of our laws and Constitution, by which whole classes, and the great majority of the people, are excluded from those offices and places, to which the Sovereign Power of the state is entrusted. Thus, under the British Constitution, women are excluded from all those offices, from which the Roman Catholics are excluded. And why?—because the law considers men more eligible. Minors are excluded, because adults are considered better qualified. Every man who has not a real estate of £300 a-year is also excluded—and why?—because the man who has such estate is considered to be better qualified. This exclusion, or rather the preference which the law establishes in favour of the better qualified, was never before asserted to be injustice to the class postponed, nor to be intended as a stigma, or disgrace.

In my early days this country was called the land of liberty; and it was the pride and boast of every constitutional subject, that not only the native was free, but the Negro slave who set his foot upon her shores was enfranchised. But the march of intellect has since discovered that to be free, is to exercise the power of Government. There was then a standard of constitutional opinion—by it every thing was tried, and confirmed, or rejected. Now that standard must be cast away, and we must launch the vessel of the state on the wide sea of uncertainty, without a pilot to guide, or a helm to direct her. Need I advert to the many laws on the statute book, by which classes of our fellow-subjects are disqualified from office and seats in Parliament. By one law, every person under twenty-one years is excluded from the House of Commons, on the principle that the law considers an adult better qualified; and will any man say that those so disqualified are to be considered as slaves and out-laws? By another act, a century in existence, no man can sit in Parliament unless he possess a real estate of three hundred pounds a-year, nor represent a county, unless he have property to twice that amount. That was a law, which disqualified from seats in Parliament the great mass of the community.

These exclusions are founded on the principle that offices of state are not made for men, but that men the best qualified are to be sought for to fill them. It is a delusion to suppose that offices were created, or that seats in Parliament were intended as prizes for political adventurers, or to be trafficked upon as the means of advancement in life. These are false views. Men may, it is true, get into Parliament, and thereby advance their fortunes; but it was never intended as a profession.

I come then to the exclusion of Roman Catholics from Parliament, and offices of the State. And why are they so excluded? The Sovereign Power of the State is invested in the King, Lords, and Commons who comprise not more than twelve hundred individuals out of twenty millions. Are the remaining nineteen millions nine hundred and ninety-eight thousand in a state of outlawry and slavery, because of their exclusion?—These delusions have no foundation either in political reason or political truth, they are, however, the cause that our constitution, which was, as we thought, deliberately and conclusively settled in 1688, is now in danger of another revolution. It was then settled—on the principle that in the distribution of the offices of State, those should be selected who were best qualified to fill them—it was then settled, that those in whom the Government of the State should be vested, should be Protestant and not Roman Catholic? My Lord, that provision was not, as has been falsely and cruelly asserted, and mischievously inculcated on the minds of Roman Catholics, intended as a stain upon their character or their religion, nor as a slur upon their ability, or integrity.

It has ever been part of the British Constitution, unlike the American, to have a national religion and an Established Church—an establishment as old as the Constitution itself—an establishment of high rank, great possessions, sharing in the legislative, and administering a great portion of the executive; and speaking politically of that establishment, it is undoubtedly one of the great bulwarks of the hereditary monarchy. About three hundred years since, a great Revolution took place in the national religion, and the ecclesiastical establishments of the State, from which resulted differences of opinions of the

most serious description. Protestants dissented from the religion established at that period. They dissented from the religion professed by their Roman Catholic fellow-subjects and rejected that Church to which the Roman Catholics adhered, I will admit, conscientiously and faithfully; but those who differed from them, as conscientiously believed the doctrines of their Church to be erroneous, and the political character and constitution of it, and the Institutions appertaining to it, to be incompatible with the independence of the Crown, or the liberties of the people. What was the consequence? The majority of the people of this United Kingdom, in population more than two to one, in rank, property, and education, at least one hundred to one, rejected that religion from which they dissented, and established the Protestant religion in its stead. The minority adhered with fidelity to their religion, but let it be recollected that Protestants with equal sincerity dissented. It was not for twenty years after this revolution had occurred, that any alteration took place in the civil constitution of the government; nothing was done theoretically, or under the influence of religious feeling.

In the first year of the reign of Queen Elizabeth, the policy commenced of giving a preference to Protestants by a Test, the effect of which was to exclude Roman Catholics from all offices in the State derived from the Crown. In the 5th year of Elizabeth, the same Test was extended to the members of the House of Commons. That policy from its commencement was never relaxed, but gradually extended. In the 13th Charles II. it was extended to corporate offices. In the 25th Charles II. the Sacramental Test was superadded and required as a qualification for all offices in the State. It so remained until the 30th Charles

II. when it was extended to the House of Lords, though its members sat there by hereditary right. So things remained until the effort made by that unfortunate King, whose history has been so well detailed by my Learned Friend, (Mr. Serjeant Lefroy,) who, endeavouring to overturn the established religion, and liberties of the nation, was by the nation expelled from the Throne, and that policy which had commenced in the first year of Queen Elizabeth, and had been gradually extended from that period, was then reviewed, perfected, and completed, by the exclusion of Roman Catholics from the Crown, not merely by a Test, but by express and positive enactment. For it is a prominent part of our great Constitutional Charter, that the King on the Throne, if he shall be a Papist, or even marry a Papist, shall forfeit his Crown, and his subjects be thereby absolved from their oaths of allegiance. We have heard advocates in Parliament for this revolutionary measure, treat the constitutional settlement of 1688, as the ebullition of a moment. Never was a Constitution more fully considered or deliberately settled, and by men of singular ability and knowledge, particularly the knowledge of the Laws and Constitution of the Country. It was the completion and the consummation of that policy which had commenced more than a century before, and which was then completed, by the exclusion of Roman Catholics from every part of the Government, and the whole of the Executive and Legislative power of the State vested exclusively in Protestants. Under that Constitution so settled, and by such men, we have since lived and flourished, for a period of a hundred and forty years. No man who has advocated this measure in Parliament, has ventured to say, that the Constitution as then settled has failed to answer the end and purposes of its institution.

And therefore, my Lord, I will say in the words of the resolution, "that the measure contemplated is uncalled for by any necessity, and unjustifiable by any sound political principle."

Not only, my Lord, is there no necessity for the proposed measure, but after the most anxious consideration which I have bestowed upon the subject for a period of thirty years, I can see no reason, much less discover a principle, why we should depart from this Constitution. If it be said it is because that Constitution deprives Roman Catholics of their rights, I have already adverted to that subject; and now repeat, that no subject of the realm, Protestant or Roman Catholic, has any right to the Executive or Legislative offices of the State; even those who being qualified according to law, are duly appointed to those offices, do not take or hold them as a right or a privilege conferred on them for their personal benefit or gratification; but in the contemplation of the law and the Constitution, as an obligation and a duty imposed upon them for the benefit and service of the public.

The object in the view which I am taking of this subject, is not to divide, but to reconcile us. Many of the Roman Catholics of this country have sense enough to know how much they have been abused, and to discern the artifices and delusions which have been employed to disaffect their minds to that free Government, in the preservation of which they are as much interested as we are, and which has been assailed for the last forty years as a violation of their rights—not those natural and imprescriptable rights, which the Constitution holds sacred, but Paine's Rights of Man. It is under the delusion of his doctrines that the British Constitution has been assailed and decried for the last forty years. He

derided your hereditary Government, and founding his theory on the Constitution of his own country, maintained that it was the right of men to govern themselves. If you will analyze the arguments that have been most successful in the advocacy of this measure in Parliament, you will find that they resolve themselves into a retail of Paine's Rights of Man.

The Constitutional settlement of 1688 was a settlement consonant with justice; and, as I think I have proved, not violatory of the rights of any man; a settlement founded on wise and sound policy, as best calculated to maintain the Protestant Religion—the Protestant Institutions of the country,—the Protestant Church Establishment,—and the exclusively Protestant succession of the Crown, (which it is now proposed to strengthen, by removing Protestants from the Government and the House of Commons, in order to replace them by Roman Catholics,) as best calculated to establish unity and consistency in the councils of the State, and the proceedings of the legislature.

The measure now proposed, professing to settle a question, suffer me to say, will, in my opinion, settle nothing. It may, and will reverse a policy which we have adhered to for 260 years; it will unsettle mens' minds,—it will unsettle the Constitutional settlement of 1688,—it will destroy all standard of Constitutional sentiment and opinion, but it will settle nothing. It must be considered as a compromise with that spirit of radicalism and democracy, supported by the spirit of party, which has long been encroaching upon our Constitution, and threatening it in all its parts and proportions. And in order to effect this compromise, we must surrender a vital part of our Constitution,—and what consideration will the

nation receive for that surrender, when that surrender shall have been made? I ask, will not the spirit of radicalism and democracy subsist? Will it not renew its assaults on our Constitution with increased vigor, and an ardor renovated from success? And will not the same spirit of party which has afforded countenance and encouragement to all the assaults on our Constitution for the last forty years, still be found to exist? And I would ask, when these assaults shall be renewed, where will be found the principles, or where will be found the persons on which and by whom these assaults can be longer resisted?

I do therefore, my Lord, look with apprehension and dismay to the measure in contemplation, as directly tending to the downfall of the British Constitution, it is our duty however to use our best efforts to maintain its integrity. I shall therefore now conclude, by moving

"That we are of opinion, that the measure contemplated is uncalled for by any necessity, and unjustifiable by any sound political principles which has hitherto directed the policy of civilized nations."

Finis.

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132

132

D W Harvey Esq M.P.

Note office

House of Commons

London